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28 OCT 1953

MEMORANDUM FOR: Acting Deputy Director (Administration)

SUBJECT : Reply to CSC Circular 722 Regarding Schedules A and B of the Civil Service Rules

1. There is attached a proposed reply to Departmental Circular 722 of the Civil Service Commission which requests a review of Schedules A and B of the Civil Service Rules. The report required by this circular necessitates a decision as to whether the Agency will continue to effect appointments under Schedule A while recognizing an independent appointment authority in Public Law 110.

2. There seems to be little basis for justifying continuance of Agency positions in Schedule A in its new form. Security considerations would seem to preclude submitting the other data required in paragraph 3 of the circular even if continuance were desired.

3. The question as to whether section 10 of Public Law 110 provides appointment authority without regard to Schedule A has been discussed with the office of the General Counsel from time to time. Although at one time it was felt that the Civil Service Commission might not share our view as to the adequacy of this appointment authority, more recently the Commission has issued documents relating to excepted positions which indicates that it also considers the Agency exempted by statute.

4. Consideration of this question by this office and by the office of the General Counsel has disclosed no specific differences in the rights, privileges and authority of the Agency or its employees under Schedule A or under a statutory exemption.

5. It is therefore recommended that the attached letter requesting that the Commission drop all positions of the Central Intelligence Agency from Schedule A be approved and that this office be authorized to cite section 10 of Public Law 110 as appointment authority effective with the approval of the attached letter.

6. Copies of personnel actions (SF 50) furnished [REDACTED]

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personnel currently show "Schedule A" as the legal appointment authority. Because of the security implication which would be involved in converting this to Public Law 110, we would issue instructions that these actions show no legal authority, as of the time the attached reply is approved. No problem would be encountered here since copies of these actions are never transmitted to the Civil Service Commission.


Acting Personnel Director

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Attachments

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ORIGINAL DOCUMENT MISSING PAGE(S):

Enclosures